

Background on Inspection of Public Records

The TPRA grants Tennessee citizens the right to inspect public records (unless state law provides that the records are not open for inspection). Public record is defined in Tenn. Code Ann. Section 10-7-503(a)(1)(A). Currently, under the TPRA, a custodian is not allowed to charge for viewing or inspecting a record unless required by other law to charge for the view or inspection. Before providing access to records, custodians must verify that records (and the information included) are open. The exemptions that make records not open for inspection under the TPRA (currently more than 350 found in state and federal statutes, judicial decisions and rule, and common law) are not finite and are subject to change.

The TPRA does not limit the number or size of a records inspection request. OORC is required by Tenn. Code Ann. Section 8-4-604 to establish (and to review annually) a schedule of reasonable charges for copies of open records considering such factors as:

- the population size of the county or municipality,
- the complexity of the request,
- the number of hours involved in retrieving the documents and redacting confidential information from the documents
- the policy that providing information to the public is an essential function of a representative government and an integral part of the routine duties and responsibilities of public officers and employees
- excessive fees and other rules must not be used to hinder access to nonexempt public information and
- other factors OORC deems appropriate.

The Section further requires OORC to establish a separate policy related to reasonable charges for frequent and multiple requests for public records.

Representative Steve McDaniel and Senator Jim Tracy introduced HB0315/SB0328 in the 2015 Session of the 109th General Assembly. The bill would have permitted charges for inspection of public records under the TPRA. The sponsors took the bill off notice to allow for public input on the issue.